

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ERIC DANTE PITT,
For himself and on behalf of all
Similarly situated individuals,

Plaintiff

v.

CASE NO. 3:11-cv-00697-JAG

K-MART CORPORATION,
A wholly owned subsidiary of Sears
Holdings Corporation,

Defendant.

**PLAINTIFF'S MOTION FOR AN AWARD OF INCENTIVE PAYMENT
AND ATTORNEYS FEES AND COSTS**

Plaintiff, on behalf of himself and the Class, moves the Court for an award of attorneys' fees, for the reimbursement of their out-of-pocket expenses incurred in furtherance of litigating this matter, and for an incentive award for the Plaintiff's role in the successful result obtained on behalf of the Class, which will be before the court for final approval on May 24, 2013. The Defendant does not oppose this motion. For the reasons more fully explained in the accompanying Memorandum of Law in Support of this motion, the Plaintiff respectfully requests that the court enter an order:

- (1) Awarding Eric Dante Pitt a Class Representative incentive award of \$5000.00 for his role in prosecuting this action on behalf of the Class;
- (2) Awarding Class Counsel a fee of \$900,000.00, which is 30% of the \$3 million Class Fund;
- (3) Awarding Class Counsel its expenses in the amount of \$9,342.29;
- (4) To be paid in accordance with the Settlement Agreement entered in this case.

Respectfully Submitted,

/s/

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

On this 10th day of May, 2013, I certify that I have electronically filed the foregoing pleading in the CM/ECF system, which shall send a Notice of Electronic Filing (NEF) to the following:

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/s/

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